



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF THE REGIONAL
ADMINISTRATOR

DEC 20 2018

The Honorable Chairman Nathan Small
Fort Hall Business Council
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

Dear Chairman Small:

I want to thank you and the other members of the Fort Hall Business Council for participating in the government-to-government consultation with the Environmental Protection Agency Region (EPA) on Thursday November 8, 2018, concerning the Ballard Mine Superfund Site. At that meeting, we reviewed and discussed the EPA's proposed cleanup action for the site. We heard clearly that the Tribes have serious and long-standing concerns about the impacts of phosphate mining, and that the Tribes support progress on cleaning up historic phosphate mine sites in southeast Idaho. We also heard that the development of cleanup plans must carefully consider a wide range of issues important to the Tribes, to ensure future use of lands and resources.

The Ballard Mine site is a former phosphate mine located in Caribou County, Idaho. The Site is on private and state lands in the Blackfoot River watershed. There are federal lands about a mile from the Site. This Site is being addressed using Superfund program authorities and pursuant to a 2009 legal agreement with the responsible party (P4 Production, a subsidiary of Monsanto, now Bayer). The Shoshone-Bannock Tribes are a signatory to the 2009 legal agreement and serve as a "Support Agency." Over the past several years, your staff, including Ms. Shannon Ansley, Mr. Kelly Wright, and others in the Environmental Waste Management Program, have provided valuable input and participation in site investigations and in developing cleanup plans.

In April 2018 we released a proposed cleanup plan. The preferred cleanup action includes grading and shaping of waste rock dumps, backfilling most mine pits, construction of a cover system over mining wastes, treatment of surface and groundwater, land use controls, and other elements to achieve cleanup objectives. Under the cleanup plan proposed, remaining phosphate ore would be recovered during implementation of the remedy. This aspect of the proposed plan hinges on the Bureau of Land Management (BLM) issuing a phosphate mineral lease and approving a mine plan.

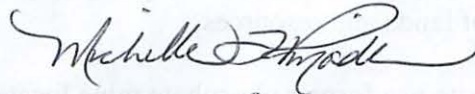
One of the issues that arose during the meeting was related to recovery of phosphate ore during implementation of the remedy. Your staff pointed out that mineral leasing is a competitive process and posed questions about how the project may proceed if a mineral lease is not awarded to P4 Production. I committed to following up on these questions and to getting back to you. Since the consultation, my staff have discussed this matter with staff from the BLM. Although BLM staff believe it is unlikely that other parties would be interested in a mineral lease at the Ballard Mine Superfund site, they acknowledged uncertainty about how the leasing process will actually play out. The EPA has determined that if P4 is not awarded the mineral lease, then we will pause the process and evaluate options for proceeding. Depending on the circumstances, we may have to issue a ROD amendment. The EPA expects to issue a Record of Decision in early 2019.

We also heard the importance of keeping the Tribes at the table, including during implementation of the cleanup and during the Operations & Maintenance phase. The Tribes relayed how important it is to have a cultural resource monitor on site during construction. We completely agree and will ensure cultural resource survey work is completed and that construction activities will be monitored to avoid harmful impacts to those resources. Our continued governmental partnership is critical to a successful cleanup and we commit to keeping the Tribes involved in all phases of the process.

Finally, we heard your concern about potential contamination on the haul road to the mine site. Our primary goal, at this juncture, is to clean up the mine site itself. There may be an opportunity to consider the haul road in the future. We are open to revisiting that topic with the Tribes and state and federal land managers once the mine is cleaned up.

Again, thank you for engaging in consultation with the EPA and for the Tribes' continued participation in cleanup work at the Ballard Mine site (as well as the other P4 Production mine sites). If you have any additional questions or concerns, please feel free to call me at (206) 553-1234.

Sincerely,



Chris Hladick *CH*
Regional Administrator

cc: Mr. Kelly Wright
Shoshone-Bannock Tribes

Ms. Shannon Ansley
Shoshone-Bannock Tribes